

ITEM: 11

SUBJECT: Malaga County Water District, Wastewater Treatment Facility, Fresno County

BOARD ACTION: *Consideration of Administrative Civil Liability Order*

BACKGROUND: The District owns and operates a WWTF that provides sewage service to approximately 1,000 residents and various light industries in the unincorporated community of Malaga. The State Board has designated the District as a small community with a financial hardship. The Executive Officer, on 15 April 2005, issued Complaint No. R5-2005-0510 proposing to assess \$1,107,000 in mandatory minimum penalties (MMP) pursuant to California Water Code (CWC) sections 13385(h) and (i) for 369 serious and chronic (non-serious) violations. The violations involve pH, TSS, turbidity, conductivity (EC), and chlorine residual effluent limitations in Waste Discharge Requirements Order No. 99-100 (NPDES Permit No. CA0084239) that occurred between 1 February 2000 and 30 June 2004.

For a community with a financial hardship, CWC Section 13385(k) allows the Regional Board to suspend all or a portion of the mandatory penalties contingent upon the Discharger spending an equivalent amount towards completion of approved compliance projects (CPs). To be approved, a CP must help control or eliminate future violations. If a CP is not completed on time and to the satisfaction of the Regional Board, the suspended amount becomes due.

The proposed Order would allow compliance projects and would credit the District the \$102,906 it expended to analyze and determine the sources of EC. The proposed Order would also credit the District the \$872,929 it expended on the construction of a low EC water supply well. Only \$131,165 of the MMP would remain. Other proposed CPs include automation of an interim chlorination and dechlorination process, a UV disinfection system, and instrumentation for continuous effluent monitoring with remote alarm systems designed to prevent further violations. Projected costs for these pending CPs total \$500,000. The proposed Order would suspend payment of the remaining \$131,165 and allow the Discharger more time to complete additional CPs. The proposed Order would permanently suspend from the MMP balance the actual cost of any CP satisfactorily completed by the date specified in the proposed Order up to a total of \$131,165. Any amount of the MMP not satisfactorily completed in accordance with this Order by 1 October 2008 would be due and payable within 30 days upon notification from the Executive Officer.

The District reviewed the proposed Order and concurs with it.

ISSUES: None.

Mgmt. Review \_\_\_\_\_

Legal Review \_\_\_\_\_

26 January 2006

Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive. #200  
Rancho Cordova, CA 95670